

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUHILA CASSINI,

Plaintiff,

Case No. 21-12567

v.

Honorable Nancy G. Edmunds

MARK ROTENBERG, *et al.*,

Defendants.

/

**ORDER DISMISSING PLAINTIFF'S COMPLAINT AND
DEFENDANT ROTENBERG'S COUNTERCLAIM WITHOUT PREJUDICE**

On November 1, 2021, Plaintiff Suhila Cassini filed her pro se complaint against a number of parties in this Court. (ECF No. 1.) Plaintiff failed to pay the filing fee or file an application seeking in forma pauperis standing at the time. After the Court issued an order requiring Plaintiff to do one or the other, Plaintiff filed her application to proceed without prepaying fees or costs. (ECF Nos. 11, 12.) On December 7, 2021, the Court issued an order denying Plaintiff's application and directing Plaintiff to pay the filing fee within ten days of the date of that order. (ECF No. 13.) Plaintiff was put on notice that failure to comply with the Court's order would result in dismissal of this case. To date, Plaintiff has not paid the required filing fee. Thus, Plaintiff's complaint is subject to dismissal.

While a filing fee was never paid in this matter, summonses were never issued, and Defendants were not properly served, Defendants have already filed responsive pleadings, including a motion to dismiss filed by Defendant Long Lake Estates (ECF No. 5), and Defendant Mark Rotenberg has filed a counterclaim, bringing a malicious

prosecution claim against Plaintiff (ECF No. 3). The dismissal of Plaintiff's complaint renders Defendant Long Lake Estates' motion to dismiss moot. And with regard to Defendant Rotenberg's counterclaim brought under state law, the parties do not appear diverse and thus the Court has, at best, supplemental jurisdiction over this claim. Because the Court is dismissing Plaintiff's complaint, it finds dismissal of the counterclaim appropriate as well.¹ See 28 U.S.C. § 1337(c)(3).

For the foregoing reasons, both Plaintiff's complaint and Defendant Rotenberg's counterclaim are DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 3, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 3, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

¹ Defendant Rotenberg has filed a motion for a default judgment on the counterclaim. (ECF No. 14.) But it does not appear that Defendant properly effectuated service on Plaintiff nor did Defendant seek a Clerk's entry of default prior to filing the motion. In any case, the dismissal of the counterclaim renders this motion moot.